



Facilitation, Collaboration & Conflict Management

To: Representatives of AOC Signatories, BWS
Date: October 5, 2017
From: Joseph McMahon, P.E., J.D.

DRAFT Facilitator Memo #10: Data Discussion
Conference call of October 5, 2017

Purpose of the summary notes: The notes are general and do not include every subject or position raised. Where the notes indicate decisions or action, it is based on the Facilitator's sense of the center of gravity of the group and does not suggest that every person had the same views on the subject.

Ensuring protection of confidential data.

- ✧ In this conference call, the parties had a wide-ranging discussion on methods for protecting confidential data. Because the parties appear to have different interpretations of degree of protection offered by Hawaii 92F-13(4) as it would regard request for release of information from BWS, as well as the distinction between DOH and BWS under 92F, a conference call among legal counsel was set up to further explore that issue. Counsel for the parties will determine what document should be provided to David Brown prior to the conference call – now scheduled for October 10, 2017.
- ✧ Mark Manfredi stated the Navy believed it needs to have protection beyond those in 92F, and that agreements not to disclose are standard Navy practice.
- ✧ Mark Manfredi gave a brief discussion of the document entitled *Classification of Government Information* in the types of information that fall within the various categories of sensitive information.
- ✧ As to data that are classified as confidential, secret or top secret, one or more these classifications could apply to SOW § 8 data.
- ✧ Sensitivity of critical infrastructure regarding water supply is a matter in which both the Navy and BWS would have similar concerns.
- ✧ Mark would also hope that the Navy could provide BWS with the data BWS requests as soon as the confidentiality issues are resolved.
- ✧ David Brown indicated that, and it appears that all parties understand, that sensitive data given to BWS will need to be shared with its board, employees, consultants and attorneys.
- ✧ Other upcoming issues regarding confidentiality will be:
 - Confidentiality relating to NDE technology/coupons
 - Cost data regarding the TUA decision in the sensitivity of procurement data

GIS database.

- ✧ Mark Manfredi noted that the GIS database, as it becomes populated with data, will very likely contain sensitive information. Mark indicated that addressing the confidentiality of the database will require some further thought on his part.
- ✧ At the upcoming Groundwater meeting in November 2017, the Navy will provide the parties and BWS with a demonstration of how the database functions.
- ✧ When the parties have resolved data confidentiality needs, the Navy intends that, among AOC parties and BWS, the use of the database will be 'transparent.' This would permit both the interim and final database to be made available to BWS.
- ✧ With the database in hand, BWS could make its own individual "runs" using the database with the proviso that BWS would supply the Navy with information on what BWS changed in the database and with the result of the runs. This comment was a clarification of a prior Navy groundwater comments suggesting the need for Navy "concurrence" before the BWS made changes in the database. Rather than concurrence, the Navy really had sought the information noted above - as to what was changed in the database and the result of the modified database run.